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Appl. No. 09/605,824
Amdt. dated December 22, 2003
Reply to Office action of September 30, 2003

Remarks:

Claims 1-12 are pending in this application.

In the outstanding office action, the Examiner has rejected claims 1-12 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,525,850 to Chang, et al. (hereinafter "Chang"). The applicant respectfully disagrees.

It is unclear which of the elements illustrated in FIG. 3 and FIG. 7 is regarded by the Examiner as a wavelength access controller. Regardless, to anticipate claim 1, Chang must disclose a wavelength access controller that wavelength division multiplexes a "plurality of service specific optical signals to result in a wavelength division multiplexed signal". Referencing FIG. 1 of Chang, the Examiner appears to regard the header network 132 and the ATM/SONET 131 as the sources of the service specific optical signals. It is submitted that no one element in FIG. 1 (or FIG. 3 or FIG. 7) receives both service specific optical signals and multiplexes the optical signals "to result in a wavelength division multiplexed signal" as required by claim 1. Optical network element 121 receives a service specific optical signal from the header network 132 and optical network element 122 receives a service specific optical signal from the ATM/SONET 131. However, no single element receives both service specific optical signals and multiplexes the optical signals as required by claim 1. Withdrawal of the rejection of claim 1 as anticipated by Chang is therefore respectfully requested. Furthermore, withdrawal of the rejection of claims 2-6, which depend, either directly or indirectly, on claim 1 is also requested.

Additionally, since each of claim 7 and claim 8 claim a data communication apparatus for performing the elements of claim 1, applicant submits that claims 7 and 8 are not anticipated by Chang and respectfully requests that the Examiner's rejection on that basis be withdrawn.

To anticipate claim 9, Chang must disclose a computer readable medium adapting a wavelength access controller to be operable to "classify a service specific electrical signal from

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each of said plurality of service specific transceivers". It is submitted that no single element receives electrical signals from more than one service specific transceiver and, as such, there is no requirement in the elements of Chang to perform such classification and, consequently, no disclosure of a computer readable medium adapting a wavelength access controller to be operable to perform such classification. As such, applicant submits that claim 9 is not anticipated by Chang and respectfully requests that the Examiner's rejection on that basis be withdrawn.

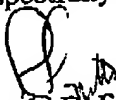
To anticipate claim 10, 11 or 12, Chang must disclose a wavelength access controller and a plurality of service specific transceivers that each receive "a given service specific electrical signal from said wavelength access controller". It is submitted that the header network 132 and the ATM/SONET 131, considered by the Examiner to be service specific transceivers, may receive "a given service specific electrical signal", but only from IP routers 111, 112 (FIG. 1 of Chang) and not from any element that may be considered to be a wavelength access controller. In this regard, the IP routers 111, 112 do not perform tasks required of a wavelength access controller by claim 10. Such tasks include, among others, "receiving a wavelength division multiplexed signal" and "wavelength division de-multiplexing said received wavelength division multiplexed signal". Withdrawal of the rejection of claims 10, 11 and 12 as anticipated by Chang is therefore respectfully requested.

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In view of the foregoing, early favorable consideration of the application is earnestly solicited.

Respectfully submitted,


Ronald D. Faggetter
Registration No. 33,345
SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Canada M5G 2K8

Telephone: (416) 593-5514
Facsimile: (416) 591-1690

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